

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:02cv520

SUPPORT DESIGN AB,)	
Plaintiff,)	
)	
vs.)	
)	<u>ORDER</u>
RGP DENTAL, INC.,)	
Defendant.)	
_____)	

THIS MATTER is before the Court on the defendant's Motion to Sanction plaintiff (Doc. No. 27), the plaintiff's Response (Doc. No. 27), the defendant's reply (Doc. No. 29), and the magistrate judge's Memorandum and Recommendation ("M&R") (Doc. No. 32), which recommended that the motion be denied. The parties were advised that objections were to be filed in writing within ten (10) days after service of the magistrate judge's decision. (Doc. No. 32: M & R at 7). The time for filing objections has since passed and no objections have been filed by either party in this matter. For the reasons stated below, the Court DENIES the defendant's Motion to Sanction Plaintiff.

I. Standard of Review

The Federal Magistrates Act requires a district court to "make a de novo determination of those portions of the [magistrate judge's report] or specified proposed findings or recommendations

to which objection is made." 28 U.S.C.A. § 636(b) (1) (West 1993 & Supp. 2005); accord Fed.R.Civ.P. 72(b) ("The district judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made"). In the absence of a timely filed written objection, a district court need not conduct a de novo review, but instead must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310 (4th Cir. 2005) (quoting Fed.R.Civ.P. 72 advisory committee's note); see also Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983) (holding district court judge has the authority to accept, reject or modify the report, and, absent objection, no explanation need be given for adopting the report).

II. Analysis

Accordingly, after a careful review of the record in this case, the Court finds that the magistrate judge's findings of fact are supported by the record and his conclusions of law are consistent with and supported by current case law. See Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982) (holding that only a careful review is required in considering a memorandum and recommendation absent specific objections). Thus, the Court hereby

accepts the Memorandum and Recommendation of Magistrate Judge Horn and adopts it as the final decision of this Court for all purposes relating to this case.

THEREFORE, IT IS HEREBY ORDERED that the defendant's Motion to Sanction plaintiff is DENIED.

Signed: December 7, 2005

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

